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Sixty-third session

Summary record of the 8th meeting

Held at the Palais Wilson, Geneva, on Thursday, 15 March 2018, at 3 p.m.

Chair: Ms. Bras Gomes

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The meeting was called to order at 3 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Initial report of Bangladesh (*continued*) (E/C.12/BGD/1)

1. *At the invitation of the Chair, the delegation of Bangladesh took places at the Committee table.*

2. **Mr. Windfuhr** (Country Task Force) said that the Committee noted the progress made by the State party in reducing the unemployment rate and increasing the proportion of women in the labour force. Given that informal employment accounted for a significant proportion of the labour market in the State party, he wished to receive more information on the types of work being undertaken in the informal sector and the measures in place to ensure that workers had access to labour and social protection and complaints mechanisms. It would be helpful to hear about the obstacles that were hindering implementation of the 1 per cent quota for persons with disabilities in public services. Disaggregated data on the Dalit population would be welcome, together with an overview of how the Government intended to address the issues faced by indigenous and casteless people. He would also appreciate details of how the situation of unemployed young people would be improved. It would be useful to hear the delegation's assessment of the biggest challenges in reaching the State party's objective of ending child labour by 2025, together with a description of any special measures taken to ensure the basic human rights of those children who were engaged in child labour.

3. He wished to know whether the Government intended to expand minimum wage legislation to cover all industries throughout the country and to ensure that it was reflective of living costs. It would be interesting to hear how the authorities planned to extend the labour inspection scheme that was in place for the garment sector to other sectors, including construction and ship-breaking, and to small and medium-sized enterprises. It was unclear whether labour inspectors operated in export processing zones (EPZs), and whether the Government planned to expand those zones. He would appreciate details of how the National Employment Injury Insurance Scheme was monitored. Clarification would be welcome regarding the operation of anti-sexual harassment committees and the status of occupational health and safety legislation. He would welcome data on the huge numbers of fatal accidents that occurred in the workplace and details of how that issue would be addressed.

4. He would be grateful for an update on the status of the implementation of the Overseas Employment and Migrants Act. Information would be appreciated on the Government's plans to address the gender pay gap in the State party, particularly in the informal sector. It would also be useful to hear how the authorities intended to improve the situation of domestic workers, the majority of whom were women and who remained vulnerable to exploitation owing to the lack of effective sanctions for breaches of the policies intended to protect them.

5. Despite the creation of three additional labour courts, court proceedings in labour disputes were lengthy and legal representation was costly. In the light of reports indicating that the justice system and law enforcement sector were perceived to be the most corrupt in the State party, the Committee wished to learn how the Government ensured that labour laws were properly enforced.

6. He would welcome the delegation's comments on reports that the registration of trade unions remained difficult and on any Government initiatives to ensure that trade unions could operate freely.

7. In the area of social security, he would be interested to hear whether the State party intended to put in place a clearer framework for social protection in order to avoid overlap between the multiple existing policies in that sphere. He wished to hear about the Government's time-bound targets for reaching out to all sectors of society, including

women and Dalits. He also wished to learn how corruption in the social security sector would be tackled. He would welcome the delegation's comments on whether the State party received sufficient tax revenue to fund the social security system.

8. He would be interested to hear how the competitiveness of the garment sector was evaluated. An assessment would also be welcome of the scale of the brain drain affecting the country, given the number of people who migrated abroad to work.

9. **Mr. Alam** (Bangladesh) said that while the Special Powers Act remained in force, it had not been enforced in the previous four years.

10. It was unclear why the Committee had chosen to single out the Dalits among the many ethnic minorities who lived in Bangladesh; moreover, the word Dalit was not the Government's preferred term for referring to that community. While in the three hill districts there was a 5 per cent job quota for tribal populations, a quota was not necessary in the plains area as those groups were integrated into society. At the community's request, 80 per cent of jobs in the cleaning and housekeeping sector had been set aside for Harijans; however, Dalits were free to take up employment in any sector they chose.

11. It was untrue that the space within which civil society organizations could make their voices heard was shrinking. That idea had emerged following an orchestrated campaign by Odhikar, a fundamentalist group that had demanded that the Government ban girls from attending high school and women from leaving their homes. Civil society had been consulted extensively on the content of the Right to Information Act and the Child Marriage Restraint Act. Bangladesh had been heavily involved in the drafting of the Sustainable Development Goals, which had civil society at their centre.

12. While significant improvements had been made since the Rana Plaza incident, challenges remained in addressing the issues surrounding the informal employment sector. Following the adoption in 2015 of a policy to protect the rights of domestic workers, the Government had initiated a consultation process with a view to enacting legislation in that area.

13. **Mr. Hossain** (Bangladesh) said that in the wake of the Rana Plaza and Tazreen tragedies, a national action plan on workplace safety had been drawn up focusing on three areas. Firstly, the Labour Act had been amended to strengthen health and safety provisions and to facilitate the activities of trade unions. Secondly, labour inspectorates had been upgraded, with the number of inspectors increasing threefold to just under 1,000 and training programmes being implemented with assistance from the International Labour Organization (ILO) and other development partners. Lastly, a number of engineering assessments had been undertaken. The Government operated a zero-tolerance policy on safety issues, as a result of which 39 unsafe buildings had been closed. Following the amendment of the Labour Act, the number of trade unions in the garment sector had risen from 132 to 632 and the authorities had developed standard operating procedures with assistance from ILO.

14. The Government had formally committed itself to eliminating all forms of child labour by 2025 and all hazardous forms of child labour by 2021. Government data prepared with assistance from ILO had revealed an almost 50 per cent reduction in child labour, from 3.2 million to 1.7 million, between 2003 and 2013, indicating that the country was on the right track. The Government had ratified the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) and had drawn up a list of 38 hazardous forms of labour, in line with the Convention's provisions. Labour inspectors were in place to monitor violations, and their number was being increased. A total of 575 inspector posts had been created, and to date over 300 had been filled; vacancies remained because a certain number of posts had been reserved for internal promotions.

15. **Mr. Alam** (Bangladesh) said that the Government of Bangladesh was working closely with ILO and members of the European Parliament to address the issues that had come to the fore following the Rana Plaza disaster. A road map for new labour legislation that would protect workers in EPZs had already been drafted. While some reservations had been expressed about the proposed new rules; the Bangladeshi authorities had made certain commitments when concluding agreements with foreign investors, including a pledge that

investors would be governed by a certain set of laws, so it was difficult to change legislation without those parties' full consent. Although workers in EPZs did not yet enjoy full trade union rights, they did enjoy the right to organize and join associations; charters of demands could be submitted to the workers' welfare association in their respective EPZ. Their rights would be extended under the new legislation. In the country as a whole, 189 trade unions had submitted online applications for registration and 140 had been approved. A total of 825,000 workers with disabilities received a special allowance.

16. The ship-breaking industry was regulated under existing labour law, and labour inspectors were empowered to visit demolition yards and to penalize non-compliant owners. A total of 26 cases of non-compliance had been reported since the start of 2017 and 17 fines had been imposed.

17. The Government had been working hard to make an asset of its large youth population. To achieve that end, it was focusing on training and job creation. Around 1.4 million new jobs had been created since 2015, although that was admittedly still far from enough for the country's 62 million-strong workforce. A national employment generation programme was in place to provide a regular and secure source of income for over 700,000 of the country's poorest citizens, and under a national service scheme 2,000 participants received training and were paid a stipend for a period of two years. Small bank loans were available on easy terms to help young persons to establish themselves in self-employment, and in 2015–2017 a total of 6.45 billion taka (Tk) had been disbursed among a total of 1.68 million young persons. Training in information and communication technology (ICT) was a particular policy focus, given the large employment potential of that sector. A first ICT training centre had been opened in Jessore, in the west of the country, a similar high-technology park was due to open in Dhaka before the end of 2018, and several more such facilities were in the planning and construction stages.

18. In its judgment on Writ Petition No. 5916/2008, the Supreme Court of Bangladesh had issued a directive requiring all government offices, educational institutions and other organized workplaces to establish dedicated complaints committees to address sexual harassment at work. The Government acknowledged that more needed to be done to encourage women to speak up, however, and it had espoused the #MeToo Movement as part of its efforts to that end.

19. Employment injury insurance was mandatory but benefits were not extensive: for loss of life, for example, compensation was either Tk 100,000 or Tk 200,000. New schemes had recently been trialled with assistance from the German international cooperation services provider GIZ. At present, a percentage of all garment industry exports was paid into a labour welfare foundation administered by a dedicated Ministry of Labour committee and was used to provide financial support to injured or deceased workers (including those in the informal sector) and members of their families.

20. Equality of opportunity, including the freedom to exercise any profession or occupation irrespective of religion, race, social status or other grounds was guaranteed under the Constitution and by national recruitment laws, and Bangladesh had ratified the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111). A quota system was in place to provide additional protection for the Dalit population and other vulnerable groups, and the Government was working to promote those groups' inclusion in sectors of activity other than those in which they had historically worked.

21. A new wage board had been established in January 2018 to review the minimum wage, which had already been revised twice in the previous four years. Although Bangladesh did not implement a living wage policy as such, minimum wage reviews took account of relevant factors, including inflation and the cost of housing.

22. Graduates from the country's top universities and technology schools often sought employment overseas, especially in the United States of America. Doctors and nurses, on the other hand, were in huge demand internally, so they were less likely to migrate. The Government hoped that the country's focus on training would help to keep its workers within the domestic market.

23. **The Chair** said that the Committee would appreciate more detailed information about the National Social Security Strategy, including the benefits available, especially for persons with disabilities, and the obstacles faced. Did the State party have a rights-based protection system and was it moving towards the establishment of a social protection floor?

24. **Mr. Alam** (Bangladesh) said that a total of 136 different social safety net programmes were currently operating. Admittedly there was some overlap, but the system had worked very well, as evidenced by the significant drop in the poverty rate seen in recent years. That success had allowed for a shift in policy focus, away from simply covering basic needs towards education and training. Another important element of the social safety network was an innovative new law known as the Parents Maintenance Act, under which children were required to support their ageing parents and could face a fine if they failed to do so.

25. **Mr. Kedzia** asked whether he was correct in understanding that the 87 per cent of the workforce employed in the informal sector was not covered by the labour inspection system and was not protected under labour regulations, and, if so, what the State party was doing to move that segment of the workforce into the formal labour market, or at least into a situation in which their labour and social security rights were protected. Expressing concern about the State party's lack of an action plan on business and human rights, he invited the delegation to shed light on what was being done to create an obligation of due diligence for businesses and to stimulate a systematic approach to observance of the Guiding Principles on Business and Human Rights.

26. With regard to the situation of workers in EPZs, he wished to point out that the State party had entered into commitments not only under agreements with foreign investors but also under the international treaties that it had ratified, including the Covenant.

27. Lastly, he asked what protection and guarantees were afforded under national law to the approximately 7.7 million Bangladeshi nationals working overseas, many of whom, he had heard, lived and worked in extremely poor conditions.

28. **Ms. Shin** said that, according to reports, the monetary compensation and medical care provided to workers injured in and the families of those killed in the Rana Plaza tragedy were insufficient. An update on the compensatory disbursements made to date would therefore be helpful. She was also concerned about reports that the legislative, policy and administrative reforms introduced since the tragedy were far from satisfactory and that garments industry workers continued to suffer abuse and exploitation. More information about the Government's zero-tolerance policy and the positive impacts of its reforms was therefore needed.

29. **Mr. Sadi** said that he wished to point out the Committee had developed clear jurisprudence on the nature of justiciability and had established that even the economic, social and cultural rights that could only be progressively realized could be justiciable. Ending discrimination did not require time or financial investment; it could be done immediately.

30. **Mr. Uprimny**, noting that strikes were prohibited for a period of three years from the date of commencement of production in establishments that were new, owned by foreigners or established in collaboration with foreigners, said that he would like to know why that regulation had been adopted and whether the Government regarded it as being compatible with workers' right to strike.

31. **Mr. Windfuhr** said that he was concerned by reports that trade unions faced a climate of hostility and that their independence was not respected. He would be interested to hear the State party's perspective regarding the continuation of the Accord on Fire and Building Safety in Bangladesh, from which some companies were reportedly contemplating withdrawal. Did the system of inspections implemented under the Accord amount to privatization of a government function? Lastly, observing that social security coverage was low among extremely poor groups and that the State party seemed to operate multiple overlapping programmes, he wondered whether a unified system would be more effective in the long term.

32. **The Chair**, responding to a statement by the head of the delegation, said that the Committee had received information that the Special Powers Act, 1974 had been used after the 2016 Ashulia protest to arrest and charge 39 trade union leaders and workers under provisions that in some cases had already been repealed. Noting that the Government planned to phase out the use of special powers under that Act, she recommended that it should take steps to hasten its repeal.

33. The Committee's use of the term "Dalit" mirrored that of four non-governmental organizations that worked with that community in Bangladesh. Nevertheless, she understood that the Government might refer to Dalits by another name or prefer alternative terminology.

34. **Mr. Hossain** (Bangladesh) said that the family members of workers who had died in the Rana Plaza disaster had been compensated from the Prime Minister's relief fund. Moreover, the Rana Plaza Donors Trust Fund had paid US$ 30 million in compensation to the beneficiaries of the deceased, transparently and through banking channels.

35. **Mr. Alam** (Bangladesh) said that he did not agree that the labour situation was unsatisfactory. ILO, the signatories of the Accord on Fire and Building Safety in Bangladesh, the Alliance for Bangladesh Worker Safety and the governments of importing countries had all said that progress was satisfactory. Bangladesh was far from the only country to have a gender wage gap; even developed countries had reported such differences. After the Rana Plaza incident, the Government had issued a directive to ensure that factories paid their workers on time; in the event that an employer faced financial difficulties, the bank would come forward with additional loans to clear the workers' wages by the seventh day of the following month. In respect of delays in the payment of compensation following the Rana Plaza accident, in some 60 to 70 cases the Government had struggled to verify the correct beneficiaries because compensation had been claimed both by the wife of a male victim and by his blood relations; those cases had since been satisfactorily resolved. To address the lack of labour inspectors, the Government had signed a tripartite agreement to rectify that situation within a given time frame and had made provision for the recruitment of 200 new officials. The Accord on Fire and Building Safety in Bangladesh and the Alliance for Bangladesh Worker Safety would be discontinued in May 2018.

36. The Special Powers Act had been applied in 2016 on an exceptional basis to deal with a short-lived protest. In defence of the actions taken by the law enforcement agencies, unrest in the ready-made garment sector had a tendency to spread quickly; moreover, the Government considered that further demands for higher pay were unjustified in a context in which it had already raised the minimum wage twice in three years. The Government had established a Tripartite Consultative Council for the ready-made garment sector as part of its commitment to addressing remaining challenges, including abuse in the workplace. Detailed information on the effectiveness and coverage of social security programmes would be communicated to the Committee in writing.

37. **Ms. Ravenberg** (Country Task Force) said that she would appreciate information on efforts to improve enforcement of the Birth and Death Registration Act, 2004, on the State policy whereby that Act was implemented, and on possible evaluations or adjustments of State policy. Data on birth registration disaggregated by sex, age, ethnicity, religious background and marital, social and economic status would be especially welcome.

38. She was concerned that a large number of children were still involved in child labour and that some were engaged as domestic workers with no labour supervision and forced to work long hours with low or no wages and poor food. Therefore, she would be interested to know more about the development of the Domestic Workers Protection and Welfare Policy and the application and impact of the Government's official list of 38 processes and activities deemed hazardous for children.

39. She asked how the Government ensured that all mothers were protected from discrimination for a reasonable period before and after childbirth, and were not obliged to perform tasks harmful to their health or lives. Moreover, she wished to know what measures were being taken to eliminate personal laws within various religious groups and to adopt a unified family code.

40. She asked how the Child Marriage Restraint Act, 2017 worked in practice, what control mechanisms were in place and what was meant in the Act by "the greater good" of the adolescent. Did the State party have any case law interpreting that concept, and did it plan to repeal the Child Marriage Restraint Act or to harmonize it with other laws?

41. The country's laws made no provision for marital rape and did not include a commonly accepted definition of gender-based violence. In the light of those concerns, the Committee required information regarding the steps taken to adopt legislation to criminalize the sexual harassment of women and girls in schools, public places and workplaces and to combat violence against women, including through actions to reduce the incidence of rape and to punish perpetrators. What measures had been taken to prohibit extrajudicial punishment in the name of fatwa? The Committee would also be grateful for disaggregated figures on victim support services and one-stop crisis centres and for information about awareness programmes, if any.

42. The Committee was interested to know whether any evaluations had been carried out, or adjustments made, in respect of poverty reduction programmes. The delegation might also comment on any constitutional measures taken to address the discrimination against Dalits and provide disaggregated data on that population. The Committee acknowledged that ensuring safe food was a major public health challenge; she asked what action the Government had taken to ensure the right to food of marginalized people, to control and eradicate food adulteration, to ensure the proper management and distribution of water, to provide safe drinking water and sanitation for all, and to combat water pollution.

43. Lastly, she asked how the health sector was organized, particularly with regard to adolescent health, and how primary health care was provided in informal settlements.

The meeting was suspended at 5.10 p.m. and resumed at 5.20 p.m.

44. **Mr. Alam** (Bangladesh) said that the Government had promulgated various laws to provide services to women and children who were victims of violence. Measures taken had included the establishment of one-stop crisis centres, a national forensic DNA laboratory and a national trauma counselling centre, and the development of a helpline and a mobile application that provided instant support from the National Helpline Centre for Violence against Women and Children. The Government and civil society were engaged in a combined effort to combat rape. Under the Suppression of Violence against Women and Children Act, 2000, the offence was punishable by sentences of up to life imprisonment, and special tribunals had been established at the district level with the power to try such cases. Steps to implement the directives of the High Court Division of the Supreme Court on the sexual harassment of women in schools and in the workplace included awareness-building initiatives among male students and community meetings, workshops and seminars in the neighbourhoods surrounding girls' schools and colleges. Thanks to the greater empowerment of women, and with the country under the leadership of Prime Minister Sheikh Hasina, men were now showing women more respect than in the past.

45. Regarding the sexual and reproductive health rights of adolescents, the National Strategy for Adolescent Health 2017–2030 was in place and was aligned with the Sustainable Development Goals. The Government planned to build capacity for the delivery of age- and gender-specific sexual and reproductive health services and to create a robust data-collection system to inform policy and programming.

46. The Government placed the utmost importance on food quality and dealt strictly with cases of adulteration: for that purpose, it had adopted the Food Safety Act, 2013, establishing Pure Food Courts, which were trusted by the public. The Government had also passed the Formalin Control Act, 2015.

47. To guarantee the right to food of marginalized groups, the Government implemented a dual strategy consisting, in the short term, in the direct transfer of food or cash and, in the longer term, in policies and investments in development projects designed to raise incomes. Targeted food distribution programmes provided another means of increasing food security for the poor. The Government recognized the importance of access to water resources but had little control over the flow of the 54 international rivers that traversed the country; accordingly, it was engaged in talks with neighbouring countries to improve river

management. The current administration was addressing the problem of encroachment of rivers through measures such as eviction drives. The Government had acted to reduce the pollution of the Buriganga River in Dhaka, resulting in a substantial improvement in water quality. However, since pollutants were still present in the Buriganga River, the Department of Environment, assisted by the Asian Development Bank, was carrying out a project to supply Dhaka with water from the more distant Meghna River.

48. Ninety-eight per cent of the population had access to improved drinking water, while 73.5 per cent had access to improved sanitation facilities. The Government had adopted a number of strategies and had implemented the National Policy for Safe Water Supply and Sanitation, which stipulated that all people should have access to safe water and sanitation services at an affordable cost.

49. **Ms. Faizunnesa** (Bangladesh) said that, in keeping with the Prime Minister's commitment to end child marriage by 2040, the Government had enacted the Child Marriage Restraint Act to empower national and local government officials to prevent such marriages. Marriages of under-age girls could only be solemnized with the permission of the court and the parents or guardians of the girl; there had not yet been any recorded cases of marriages being permitted under the provision. The reference within that provision to "the greater good" should be read in the light of the country's social, cultural and religious context. The Act provided for the punishment of child marriage and had primacy over other laws in the event of a child marriage. She wished to point out that the toll-free helpline, administered by the Ministry of Women and Children Affairs to prevent violence against women and children, had prevented 1,575 child marriages since June 2012.

50. To tackle the high adolescent fertility related to child marriage, the National Strategy for Adolescent Health 2017–2030 focused on adolescent health and well-being and highlighted the importance of access to sexual and reproductive health information, so that women and girls could better plan their family lives and pregnancies.

51. Following the entry into force of the Birth and Death Registration Act, an Internet-based universal birth registration system had been launched in October 2010. Concerning the forcibly displaced Myanmar nationals who had been entering Bangladesh since October 2016, birth registration was provided at the Kutupalong and Nayapara refugee camps. Under the Arrangement on Return of Displaced Persons from Rakhine State, negotiated by the Governments of Bangladesh and Myanmar, one of the eligibility criteria for children's return to Myanmar was that they should be certified by a Bangladeshi court.

52. **Mr. Abashidze** (Country Task Force) said that he would be grateful for clarification concerning the status of Covenant rights. The State party's report had given him the impression that it misunderstood its Covenant obligation for progressive realization, which should not be contingent on development plans. On the contrary, the State party's commitment to the progressive realization of economic, social and cultural rights dictated that the Government should take concrete steps for their implementation, based on the optimum use of resources.

53. Paragraph 278 of the report indicated that the Government had adopted laws, policies and plans to ensure the right to education, yet the report merely referred to the National Education Policy, 2010, whose normative status was unclear. Did the laws comprising the legal regime for administration of the education system, many of which had been enacted before the independence of the country, fully meet modern requirements and comply with the provisions of the Covenant, or did the State party require a new law on education?

54. He regretted that the report only informed the Committee of a limited number of Supreme Court directives, such as those prohibiting corporal punishment of children and preventing harassment in schools. He would therefore be grateful for further examples of the judiciary's contribution to the adoption of laws relating to articles 13, 14 and 15 of the Covenant.

55. Similarly, it was unclear whether a law had been adopted to establish the parameters of free and compulsory education, or whether the Government instead relied upon the National Education Policy. If the latter, he wished to know the status of that document and

its place in the country's legal system, specifically whether it was a normative act that was applicable by the courts. Had any decisions been issued on the basis of its provisions?

56. Did the system of free education extend to private primary schools, and if not, did the fact that so many parents opted to pay for private schooling indicate that public schools provided an inferior level of education?

57. The Committee wished to know how the Government intended to incorporate common compulsory subjects into the syllabuses of all education streams at a time when a large number of Qawmi madrasas operated with their own curriculum. How did the State oversee education in the madrasas in order to prevent extremism? The Committee would welcome information about the reported omission of several topics from the national curriculum owing to the demands of religious groups, and about whether children from non-Muslim communities also had opportunities for religious education. Clarification should also be provided concerning the religious neutrality and balance of the State school and teacher training curricula, with reference to the protection of the interests of children from religious minorities.

58. He would appreciate an explanation of the causes of school abandonment and the steps that it had taken to resolve it. The delegation might also explain how the Government protected the interests of poor children who were not covered by the scholarship system. Noting that a stipend system had been developed for the enrolment of indigenous and ethnic minority students in higher education institutions, and that the stipends available appeared to differ from one community to the next, he asked for what percentage of ethnic minority children the Government intended to provide stipends.

59. He wondered whether the Government had developed official criteria for the identification of ethnic minorities and whether dispute resolution mechanisms had been established to address cases in which groups refused to be registered as ethnic minorities. What were the advantages for registered groups in terms of access to State support? Lastly, he asked what had been the outcomes of the current laws that provided for the education of minority children in their own language, and of the Small Ethnic Group Cultural Institutions Act, 2010, which aimed to preserve and promote the traditions and lifestyles of all ethnic communities.

The meeting rose at 6 p.m.